



[www.cartercenter.org](http://www.cartercenter.org)

**THE CARTER CENTER  
ATLANTA, GEORGIA, USA  
JUNE 16-17, 2016**

---

**SUMMARY OF PROCEEDINGS**

---

**I. Introduction**

The Human Rights and Election Standards workshop convened members of U.N. treaty bodies and of the international elections community from June 16 – 17, 2016, at Palais Wilson in Geneva, Switzerland. During six sessions over two days, participants reflected on the elements of a human rights-based approach to elections and advancing strategies for collaboration between the human rights and elections communities. This meeting was co-hosted by the United Nations Office of the High Commissioner for Human Rights (OHCHR) and The Carter Center’s (TCC) Democratic Election Standards project. Discussions were held under the Chatham House Rules. A number of concrete recommendations for greater cooperation between the human rights and election observation communities emerged during the meeting – they are included at the end of this summary.

The Carter Center and the OHCHR plan to follow this meeting with one additional workshop and a final conference to explore specific areas for collaboration in greater detail.

**II. Opening Remarks**

*Presenters: Mona Rishmawi, OHCHR,  
David Carroll, TCC*

*Mona Rishmawi*, opened the workshop by expressing her appreciation of the partnership with The Carter Center. She emphasized the importance of recognizing that the right to vote cannot be considered in isolation and also cannot be fully realized in an environment of oppression. The idea of a genuine election means not only the absence of technical problems, but also requires an environment in which other rights thrive. She reminded participants that the meeting was intended to serve as a means to clarify common standards, criteria for genuine elections, and the gaps and challenges in international law related to the electoral process.

*David Carroll*, mirrored Rishmawi's positive sentiment regarding the ongoing partnership between The Carter Center and the OHCHR. He discussed the history and progression of the Center’s Democratic Election Standards project from the creation of a comprehensive database of international law to the formation of a methodology for observation. In addition, he discussed

the trajectory of the Human Rights and Election Standards workshop series (HRES) from the initial conference in February 2015 to the upcoming final conference scheduled to take place in 2017. He stressed the importance of creating concrete recommendations to ensure clear linkages between the human rights and election observation communities.

### **III. Session One: Human Rights and Election Standards: An overview of the workshop series and the goals of the meeting**

*Presenters: Hernan Vales, OHCHR  
David Carroll, TCC*

*Hernan Vales*, outlined the agenda for and goals of the workshop. He noted that to facilitate increased cooperation, the workshop would provide an opportunity to learn more about each community and the areas of overlapping work. After reviewing the agenda for the meeting, he reminded the participants that while formal presentations would be attributed in the Summary of Proceedings, the open discussion sessions would take place under Chatham House Rules to encourage free discussion.

### **IV. Session Two: The work of Treaty Bodies and its application to the context of Elections**

*Presenters: Victor Rodriguez Rescia, Member of the Human Rights Committee,  
Hilary Gbedemah, Member of the CEDAW Committee  
Elizabeth Plachta, TCC*  
*Facilitator: Simon Walker, OHCHR*

*Simon Walker*, opened the panel with an overview of the treaty body system. There are nine core treaty bodies that monitor the implementation of various treaties.<sup>1</sup> These bodies are independent of states and perform their duties impartially. States prepare a report on the implementation of the treaty and after a review of the state report, the treaty bodies have constructive dialogues with state parties and decide on areas of improvement and follow-up. In addition, most treaty bodies have individual communication mechanisms through which individual persons can submit alleged rights violations for review by the committee once domestic remedies have been exhausted.

*Victor Rodriguez Rescia* spoke on the work of the Human Rights Committee which deals with the International Covenant of Civil and Political Rights, including Article 25. He noted that there

---

<sup>1</sup> The core treaty bodies monitor the implementation of the following treaties: International Covenant on Civil and Political Rights (Human Rights Committee), International Covenant on Economic, Social, and Cultural Rights (Committee on Economic, Social, and Cultural Rights), International Convention on the Elimination of All Forms of Racial Discrimination (Committee on the Elimination of Racial Discrimination), Convention on the Elimination of All Forms of Discrimination against Women (Committee on the Elimination of Discrimination against Women), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (Committee against Torture), Convention on the Rights of the Child (Committee on the Rights of the Child), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Committee on Migrant Workers), Convention on the Rights of Persons with Disabilities (Committee on the Rights of Persons with Disabilities), International Convention for the Protection of All Persons from Enforced Disappearance (Committee on Enforced Disappearances (Committee on Enforced Disappearances), Optional Protocol of the Convention against Torture (Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment).

is no requirement in the Covenant to establish a specific political system, but rather emphasizes that the system should be democratic. This means that the system will provide the right to vote, universal and equal suffrage, free expression and free participation. Most of the time, the committee focuses on the right to vote and other aspects of electoral processes directly tied to Article 25. The Committee looks at any kind of legal or *de facto* limitations of those rights, whether such restrictions are reasonable or whether there are any forms of discrimination. Rodriguez mentioned a number of “views” issued by the Human Rights Committee related to elections, for example in the case of *Castañeda v. Mexico*, in which a journalist requested a ballot recount. In that case, even though the Committee found no violation of the ICCPR, the case resulted in a change in electoral law.

*Hilary Gbedemah* provided an introduction to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Committee engages States in a constructive dialogue, utilizing information from credible alternative sources. She noted that there are other barriers to representation including obstacles that hinder women from making a decision to participate, parties not advancing women candidates, and not being recognized as strong candidates by the electorate. Gbedemah noted that electoral laws should specify human rights obligations in relations to elections (e.g. universal suffrage, secret ballot). In addition, they should outline the roles of key electoral stakeholders in elections (e.g. political parties, election monitoring bodies, and the media), and should specify the major activities to be undertaken during electoral processes (e.g. boundary delimitation, voter registration, candidate nominations). Finally, electoral laws should stipulate clearly the formulae to be used for determining elections results.

The CEDAW Committee has addressed the human rights implications of elections through its constructive dialogue process and jurisprudence in general recommendations 23, 25, and 28.<sup>2</sup> In terms of challenges, the CEDAW committee often has to address issues raised by States’ reservations on the treaty, especially to articles 2,7,9 and 16, which deal with policy measures, political and public life, nationality, and marriage and family life, respectively. In addition, patriarchal attitudes, and the lack of political will to implement recommendations are a challenge to the work of the committee. Other challenges include the inability of States to implement the suggestions of the treaty body to improve compliance with the treaty. In addition, within the treaty-body itself, there is a lack of adequate information presented to the committee on electoral processes and women's participation, and a backlog of reports which means that major issues will be dealt with after their crisis points. Gbedemah closed by suggesting that collaboration between the election and human rights communities could be increased through more regular submission of written reports to the committee from election practitioners, periodic briefings on electoral issues, dialogues with other treaty bodies that deal with elections, or a special rapporteur on elections.

---

<sup>2</sup> General Recommendation No. 23, Women in Political and Public Life, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom23> . General Recommendation No. 25, Temporary Special Measures, [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf) . General Recommendation No. 28, Core Obligations of States Parties under Article 2, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf> .

*Elizabeth Plachta*, discussed the human rights-based approach to election assessment used by the Center. After an analysis of a large number of public international law sources, the Center identified 21 fundamental rights and obligations relevant to the electoral process and found in many of the documents. The Center uses the 21 obligations to assess elections through its analysis of legal frameworks, in long-term observer weekly reports, short-term observer election day checklists, and in statements and recommendations in its election reports. In terms of interactions with treaty bodies, the Center has interacted the most with the Human Rights Committee and the Universal Periodic Review (UPR) process through submissions of shadow reports (Sudan, Nepal, Sierra Leone, and Venezuela). The Center would like to continue to contribute to the work of the treaty bodies and hopes that the bodies will include elections issues in their Concluding Observations. In terms of challenges, the Center's ability to follow-up on recommendations is limited because its election missions often are only in country during several months surrounding the elections. Finally, Plachta noted that the Center would appreciate guidance from the committees on the best way to structure and compile reports so that they are helpful to the treaty bodies.

*Discussion.* After the presentations, the participants engaged in open discussion on the overlapping challenges facing the treaty bodies and the election observation community. One participant noted that there may be difficulty balancing restrictions on specific rights, such as the right to participate in public affairs, against the quality of the election as a whole. Whereas certain restrictions may seem incredibly damaging to individual rights, they may be reasonable within the context of the election as whole. Another election practitioner noted that, in their opinion, the role of their organization is not to determine the relative importance or value of rights or practices, and therefore asked the treaty body members for their thoughts about the role of election observation organizations in determining these issues.

Discussion then turned to the treaty bodies' Concluding Observations and Recommendations, and questions about how they are formulated. The Concluding Observations are assessments of States compliance with their obligations under international human rights treaties and are meant to serve as benchmarks for the next report. In general, treaty bodies commend a state on their progress in fulfilling human rights obligations and then express any concerns. At times, election issues may arise in the Concluding Observations, but most often consideration of elections, as well as follow up on treaty body recommendations, focuses on violence surrounding the process. Participants confirmed that committees do not receive enough reports or briefings on election issues to make them a major focus of their work. Another participant noted that the efficacy of the concluding recommendations for elections depends on how accurate and specific the recommendations are. It is very difficult for states to fulfil recommendations that indicate that they should improve the "rule of law" or "access to justice," for example. Therefore, it was argued that treaty bodies would benefit from making more precise recommendations.

## V. **Session Three Participation of Specific Groups in Elections**

*Presenters: Safak Pavey, Member of the Committee on the Rights of Persons with Disabilities*

*Jasminka Dzumhur, Member of the Committee on Migrant Workers*

*Michael Svetlik, IFES*

*Facilitator: Orest Nowosad, OHCHR*

*Orest Nowosad*, began the panel by stating that although the panel is focused on persons with disabilities and migrant workers, that it would also be useful to consider other vulnerable groups during the discussion, for example, internally displaced persons (IDPs) or un-documented persons.

*Safak Pavey*, spoke on the work and mission of the Committee on the Rights of Persons with Disabilities (CRPD). The CRPD Committee uses the Optional Protocol on individual complaint mechanisms, and a special rapporteur on follow-up within the committee to monitor compliance and implementation. She noted that for many persons with disabilities, participation in public and private life is full of regular challenges, whether they be physical or cultural. People most often focus on physical access to the electoral process without looking at the cultural transformations necessary to provide full access. Often the legal framework for elections does not support persons with disabilities who are willing to stand for election. Furthermore, persons with disabilities face social barriers and stigmas that prevent them from equal political and social participation. There may need to be some mechanisms that guard them from unwarranted treatment.

She suggested that treaty bodies should work to make their communications more media friendly in order to encourage interaction. In addition, treaty bodies should encourage states to exchange best practices, and should focus on cultural and social change within states. She emphasized that both treaty bodies and election observation organizations should work towards a cultural and legal transformation to build more inclusive democracies.

*Jasminka Dzumhur* noted that the Committee on Migrant Workers (CMW) is newly established and is still developing their methodology. Participation in the electoral process can be nearly impossible for migrant workers if, in addition to the discrimination they suffer as migrant workers, they are excluded based on a variety of different reasons including gender, age, disability, etc. In terms of migrant workers and other vulnerable groups, if society has traditionally excluded such groups, then it is incumbent upon the society to take extra measures to encourage their participation. In addition, there is a distinction between regular and non-regular migrants, which can also make it difficult to determine who should be able to participate. In the case of asylum seekers, for example, decisions about their political participation depends heavily on context specific issues in the country in which they are living. She also noted that there is little international consensus about how or whether out-of-country citizens are able to vote in their home country.

*Michael Svetlik*, began by noting that IFES works to advance good governance and democratic rights and this includes an emphasis on empowering underrepresented populations to participate in the political process, including persons with disabilities. They have begun to engage election stakeholders in addressing the barriers faced by persons with disabilities based on two key

articles, Articles 12 and 29 of the CRPD. Article 12 addresses legal capacity and Article 29 ensures equal and full participation in political and public life. IFES' work focuses on three primary areas: (1) working with Election Monitoring Bodies (EMBs), (2) capacity building for civil society organizations, and (3) strengthening other stakeholders such as political parties and the media. IFES has worked with EMBs to implement CRPD obligations throughout the election cycle. With civil society organizations, IFES has worked to help change public beliefs that persons with disabilities would not be able to participate in political life. IFES has also conducted Election Access Audits that help to document existing challenges for voters with disabilities and the resulting recommendations offer ideas for solutions and opportunities for improvements. They have also provided media training and have an online resource, [ElectionAccess.org](http://ElectionAccess.org), which is dedicated to the global political rights of persons with disabilities.

*Discussion.* After the presentations, discussion began with election observation organizations noting that they are currently engaged with or creating foci within their mission on various vulnerable groups. One participant noted that addressing the rights of persons with disabilities is less controversial than addressing the rights of other groups. Participants did recognize, however, that discrimination against persons with disabilities can be a deeply entrenched tradition and that both cultural change and state support are essential. Further, there tends to be more barriers for persons with psychosocial disabilities. Another participant expressed the hope that the exchange of good examples and best practices can create more momentum for the cultural transformation necessary to decrease barriers to the political process.

When considering the difficulties faced by women in the political process, discussion then turned to the issue of quotas and whether there was a need to move away from them. A participant responded that quotas, while not ideal, are necessary to encourage increased participation of vulnerable groups.

Another participant stated that, in terms of migrant workers, it is very important to encourage NGOs to communicate with the treaty body so that there can be more information and data on how often migrants are using those rights. There needs to be a practical approach for getting the right information from both the human rights communities and the election observation communities directed to the right places. In addition, a participant noted that both communities should not forget to focus on the marginalized/vulnerable groups in their work and that those specific groups need to be consulted in these efforts.

## **VI. Day One Summary and Closing Remarks**

*Beth Plachta*, closed day one and noted that in the two substantive sessions two threads emerged. First, both communities are engaged in similar work and with overlapping areas of focus and interest. Participants provided each other with a greater understanding of the type of work done by each community and how they engage with human rights and elections. Furthermore, all treaty body participants indicated that they would be interested in receiving more information from election observer communities on specific issues. Second, participants noted some challenges regarding the implementation of recommendations and follow-up faced by both the treaty monitoring bodies and election observers. Both communities agree on the importance of searching for better ways to hold governments accountable and to advocate for change outside of the immediate electoral cycle.

## **VII. Day Two - Session Four: Regional experiences in integrating human rights into electoral observations**

*Presenters: Maarten Halff, United Nations Electoral Assistance Division  
Gerardo de Icaza, Organization of American States,  
Alexander Shlyk, Organization for Security and Co-operation in Europe/  
Office for Democratic Institutions and Human Rights  
Facilitator: Nigel Rodley*

*Maarten Halff*, opened the panel. The United Nations has provided election assistance for a number of years, emphasizing respect for the principle of sovereignty and the idea that there is no singular model for elections. Halff noted that the limited comments from the Human Rights Committee on elections could be due to lack of awareness, different timelines, and the difference between human rights norms related to elections and general comments. Human Rights norms related to elections tend to be specific, whereas general comments are broader and aspirational. Halff also highlighted the difficulty of balancing between human rights on the one hand, and political stability and the legitimacy of elections on the other. Halff noted that it would be useful to continue informal contacts between the human rights and observation communities. In addition, Halff suggested a discussion within the communities on balancing competing norms and rights, as well as updating or reviewing General Comment 25.

*Gerardo de Icaza*, stated that within the Americas, issues observed during elections have more to do with human rights than with elections logistics. He noted that the OAS methodology is based on human rights treaties. In addition, the OAS uses the jurisprudence and recommendations of the Inter-American Human Rights Commission to create their recommendations and have begun having regular meetings with the Commission. De Icaza noted various instances in which OAS electoral observation missions used the court's jurisprudence, for example when the election observation mission in Peru considered the court's findings in *Yatama v. Nicaragua*. He suggested that human rights can be integrated into electoral work through creating reports and recommendations that incorporate the jurisprudence of human rights courts.

*Alexander Shlyk*, presented on the work of ODIHR, focusing on how it integrates human rights into comprehensive election observation. He noted the differences in the recommendations of treaty bodies versus decisions of human rights courts. He suggested that the two communities should capitalize on the cyclical nature of the election process so that the election observation community can feed more information into the human rights community throughout the electoral cycle. He also emphasized the importance of norm-setting and cohesion between the communities.

*Discussion.* During the discussion following presentations, one participant noted that the cases presented in the OAS presentation seemed to warn against excessive rights protection, and seemed to highlight the importance of balancing rights and electoral rules. A respondent furthered that there should definitely be a balance between rights and electoral rules. The respondent specifically recommended that there should be less strict rules in the electoral process and that the emphasis should really be on providing greater protection for rights. As an example, the respondent noted if a potential candidate lies on their curriculum vitae, which is then presented to authorities, there are instances where they are disqualified instead of being given the opportunity to correct the issue or simply be fined.

A question was asked about comparisons between countries by election observers. Participants responded, noting that, generally, observer organizations do not compare elections between countries. One participant noted that their organization does not compare elections in same country over a period of time. More generally, the election observation organizations indicated that they leave it to the readers of their reports to make their own decisions regarding comparisons within a country or between countries. An organization further noted that they also do not make determinations of which rights are more important.

One participant discussed the preference for general recommendations as opposed to the country specific recommendations provided by treaty bodies. Another participant responded that treaty body recommendations are quite detailed and country specific, but sometimes can be used as a reference point for other countries in similar situations. A participant noted that more general recommendations allow them to be used in many cases.

### **VIII. Session Five: A human rights based approach to elections in the field**

*Presenters: Jose Maria Arañaz, OHCHR  
Patrick Mutzenberg, CCPR Centre,  
Koul Panha, ANFREL,  
Facilitator: Agnès Picod, OHCHR*

*Jose Maria Arañaz*, opened the session discussing a human rights based approach to electoral assistance in the field. Specifically focused on the Democratic Republic of the Congo, he noted the growing environment of distrust and increasing violations of freedoms during the electoral cycle. Arañaz stated that human rights monitoring provides an objective way to measure progress or encroachment on democratic space. Tracking human rights abuses is not simply for public reporting but also serves to illustrate relationships between those violations and political influence. He suggested that human rights, political analysis, and technical assistance all need to be incorporated together and include early warning systems to be more effective. He also suggested increased partnership with civil society and local NGOs as local dialogues have been able to achieve what cannot happen at the national level and assist in easing tensions.

*Patrick Mutzenberg*, spoke on the role of civil society organizations in the work of treaty bodies. He noted that of the NGO submissions to the Human Rights Committee, most were a compilation on other issues and just a few touched on Article 25 violations. He noted that organizations can feed information into the treaty bodies in advance of the list of issues, which would raise priority issues for the treaty body and make sure they are considered. Organizations can also submit information in advance of the country review and can also participate in formal or informal briefings to ask questions beyond the country review. Mutzenberg emphasized that the review process is ongoing and that stakeholders should get involved at an early stage and continue to follow the entire process.

*Koul Panha*, spoke on the work of ANFREL in election observation. He noted that ANFREL does not currently have a system in place to coordinate with treaty bodies but does use human rights analysis to aid their work. He noted that the challenge they face is that it is often difficult to engage with treaty bodies, there is a lack of information about the work of treaty bodies and deadlines, and it is difficult to find information on getting accredited to facilitate engagement

with treaty bodies. Panha suggested that there is a need for increased engagement with treaty bodies, a potential special procedure mandate on elections, and possibly a system to foster collaboration between international stakeholders to prepare submissions.

*Discussion.* After the presentations, one participant noted that it is important to get information on elections into the hands of the Secretariat of the specific treaty body before the list of issues prior to reporting. If the information is not in the draft, then someone involved in the treaty body task force needs to be made aware. In addition, they emphasized that it is important to meet the deadlines for treaty bodies as NGO participation is limited after the review begins.

Another participant asked about coordination between technical assistance organizations and elections observation organizations in the Democratic Republic of Congo. A participant responded that there was some exchanges on these issues during technical assessment missions and that information can be provided at the end of the needs assessment missions. Participants noted that it is important that different parts of the election community interact and collaborate more. Another participant noted that CCPR Centre and organizations dedicated to other treaty bodies can serve as sources of information and resources for those groups that do not have representation in Geneva. Finally, a participant emphasized the importance of bringing issues to the treaty bodies through the individual complaints mechanism as another way of engagement.

#### **IX. Session Six: Developing recommendations for greater cooperation between treaty bodies and election practitioners**

*Facilitator: David Carroll, TCC,  
Nathalie Prouvez, OHCHR,  
Hernan Vales, OHCHR*

Working in small groups, participants were asked to discuss and develop concrete recommendations for potential collaboration between treaty bodies and election assistance and observation practitioners. Participants crafted recommendations for both the human rights and elections observation communities focusing on a number of issues including: possible means of collaboration, the consistent sharing of information, and increased exposure to work of the two communities. A full list of the recommendations is included at the end of this summary.

#### **X. Summary and Closing Remarks**

The workshop was closed with a summary of the key issues raised during discussions, particularly the need for increased information sharing between groups, better follow-up, and an integrated approach to human rights and electoral rights. It was emphasized that electoral observation is not simply a procedural assessment, but rather a human rights based exercise with technical and political aspects - this understanding ensures that elections are evaluated in more ways than just their technical execution and this understanding requires context. It was concluded that greater consideration of human rights by the electoral community provides a normative-based assessment that is less subject to challenges and an objective way to measure progress in promoting democratic space.

## **Concrete Recommendations Emerging From Discussions**

### For Human Rights Community

- Have a special focus on elections during the annual meeting of treaty bodies.
- Send out a newsletter to election focused organizations to notify them of countries coming under review and to request submissions.
- Develop practical guides and training materials for the elections community and other stakeholders to facilitate interaction with the treaty bodies.
- Increase engagement between OHCHR field presences and treaty bodies
- Make use of OHCHR and regional bodies so that relevant parts of treaty body recommendations are shared with and used by the elections community and coordinate joint activities as appropriate.
- Increase communication between States and the treaty bodies. Encourage the creation of a permanent communication mechanism between states and treaty bodies.
- Suggest the use of special reports within the treaty bodies for certain countries to encourage reporting and compliance or to highlight serious human rights concerns in electoral contexts (such as in Burundi).
- Increase communication and collaboration between different treaty bodies
- Norm setting, and ensuring that language and norms are similar across documents and recommendations.
- Generalize the legal principles in concluding recommendations to make them more accessible to the contexts of different countries.

### For Election Observation/Assistance Community

- Include more work of the treaty bodies in election observation reports and analysis, specifically concluding recommendations.
- Monitor and assess the outcomes from state reviews and/or state responses to recommendations to track progress or lack thereof.
- Submit information to the treaty bodies in accordance with their review schedule.
- Create a more standardized template for submissions to treaty bodies so that they are more manageable.
- Collaborate with and encourage local NGO's to submit reports to the treaty bodies.
- Coordinate with organizations that provide training and guidance to NGOs on treaty body mechanisms.
- Include greater focus on marginalized and vulnerable groups in all work.

### For Both Communities

- Continue conferences like these to allow for informal contacts between the two communities, possible joint events could be conducted around the annual meeting of treaty body chairpersons, organized in the context of the Geneva Academy annual platform for treaty bodies' events, or conducted by the IPU.
- Capitalize on cyclical approach of both communities.
- Strive for greater cohesion on key issues in the work of the two communities.
- Increase coordination and collaboration with civil society organizations in the field, including on submission of reports.
- Draw increased attention to the individual complaints mechanisms as a way to engage with treaty bodies.